

HOUSE BILL NO. 325 am S(efd add S)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES RASMUSSEN, Tarr, Spohnholz, Merrick, Fields, Schrage, Hopkins, Drummond, Carpenter, Josephson, McCabe, Vance, Tuck, Nelson, Cronk, Story

Amended: 5/18/22
Introduced: 2/16/22

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to petitions for a change of name for certain persons; relating to the
2 duty to register as a sex offender; relating to sexual offenses; relating to domestic
3 violence; relating to the code of military justice; relating to consent; relating to the
4 testing of sexual assault examination kits; relating to lifetime revocation of a teaching
5 certificate for certain offenses; amending Rule 84, Alaska Rules of Civil Procedure; and
6 providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 11.41.410 is amended to read:

9 **Sec. 11.41.410. Sexual assault in the first degree.** (a) An offender commits
10 the crime of sexual assault in the first degree if

11 (1) the offender engages in sexual penetration with another person

12 (A) without consent of that person by

13 (i) the use of force or the express or implied threat of

1 **force against any person or property; or**

2 **(ii) causing the person to become incapacitated;**

3 **(B) by impersonating someone known to the person for the**
 4 **purpose of obtaining consent;**

5 (2) the offender attempts to engage in sexual penetration with another
 6 person without consent of that person and causes serious physical injury to that
 7 person;

8 (3) the offender engages in sexual penetration with another person

9 (A) who the offender knows is mentally incapable; and

10 (B) who is in the offender's care

11 (i) by authority of law; or

12 (ii) in a facility or program that is required by law to be

13 licensed by the state; or

14 (4) the offender engages in sexual penetration with a person who the
 15 offender knows is unaware that a sexual act is being committed and

16 (A) the offender is a health care worker; and

17 (B) the offense takes place during the course of professional
 18 treatment of the victim.

19 (b) Sexual assault in the first degree [IS AN UNCLASSIFIED FELONY
 20 AND] is punishable as provided in AS 12.55 **and is**

21 **(1) an unclassified felony if the offender violates (a)(1)(A), (2), (3),**
 22 **or (4) of this section;**

23 **(2) a class A felony if the offender violates (a)(1)(B) of this section.**

24 * Sec. 2. AS 11.41.420(a) is amended to read:

25 (a) An offender commits the crime of sexual assault in the second degree if

26 (1) the offender engages in sexual contact with another person

27 **(A) without consent of that person by**

28 **(i) the use of force or the express or implied threat of**
 29 **force against any person or property; or**

30 **(ii) causing the person to become incapacitated;**

31 **(B) by impersonating someone known to the person for the**

purpose of obtaining consent;

(2) the offender engages in sexual contact with a person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state;

(3) the offender engages in sexual penetration with a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed; [OR]

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim; **or**

(5) under circumstances not proscribed under AS 11.41.410, the offender engages in sexual penetration with another person without consent of that person.

* **Sec. 3.** AS 11.41.425(a) is amended to read:

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

1 (3) engages in sexual penetration with a person 18 or 19 years of age
 2 who the offender knows is committed to the custody of the Department of Health and
 3 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of
 4 the person;

5 (4) while employed in the state by a law enforcement agency as a
 6 peace officer, or while acting as a peace officer in the state, engages in sexual
 7 penetration with a person with reckless disregard that the person is in the custody or
 8 the apparent custody of the offender, or is committed to the custody of a law
 9 enforcement agency;

10 (5) while employed by the state or a municipality of the state as a
 11 probation officer or parole officer, or while acting as a probation officer or parole
 12 officer in the state, engages in sexual penetration with a person with reckless disregard
 13 that the person is on probation or parole; [OR]

14 (6) while employed as a juvenile probation officer or as a juvenile
 15 facility staff, engages in sexual penetration with a person 18 or 19 years of age with
 16 reckless disregard that the person is committed to the custody or probationary
 17 supervision of the Department of Health and Social Services; **or**

18 **(7) under circumstances not proscribed under AS 11.41.420, the**
 19 **offender engages in sexual contact with another person without consent of that**
 20 **person; in this paragraph, "sexual contact" does not include an offender**
 21 **knowingly causing a person to come into contact with semen.**

22 * **Sec. 4.** AS 11.41.445 is amended by adding a new subsection to read:

23 (c) In a prosecution under AS 11.41.410 - 11.41.427, where consent is at
 24 issue,

25 (1) an expression of lack of consent through words or conduct means
 26 there is no consent; an expression of lack of consent under this paragraph does not
 27 require verbal or physical resistance and may include inaction;

28 (2) a current or previous dating, social, or sexual relationship between
 29 the defendant and the person involved with the defendant in the conduct at issue may
 30 not by itself constitute consent;

31 (3) a person cannot consent if the person is fraudulently made to

1 believe that the sexual act serves a professional purpose; in this paragraph,
 2 "professional purpose" means an act the defendant has represented as a necessary part
 3 or component of a provided service, part of the routine course of a procedure, or a
 4 component of the defendant's profession that would occur if a person sought services
 5 from another practitioner in the same field as the defendant.

6 * **Sec. 5.** AS 11.41.470(10) is repealed and reenacted to read:

7 (10) "without consent" means that, under the totality of the
 8 circumstances surrounding the offense, there was not a freely given, reversible
 9 agreement specific to the conduct at issue; in this paragraph, "freely given" means
 10 agreement to cooperate in the act was positively expressed by word or action.

11 * **Sec. 6.** AS 11.41.530(a) is amended to read:

12 (a) A person commits the crime of coercion if, **under circumstances not**
 13 **proscribed under AS 11.41.410 - 11.41.427,** the person compels another to engage in
 14 conduct from which there is a legal right to abstain or abstain from conduct in which
 15 there is a legal right to engage, by means of instilling in the person who is compelled a
 16 fear that, if the demand is not complied with, the person who makes the demand or
 17 another may

18 (1) inflict physical injury on anyone, except under circumstances
 19 constituting robbery in any degree, or commit any other crime;

20 (2) accuse anyone of a crime;

21 (3) expose confidential information or a secret, whether true or false,
 22 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
 23 credit or business repute;

24 (4) take or withhold action as a public servant or cause a public servant
 25 to take or withhold action;

26 (5) bring about or continue a strike, boycott, or other collective
 27 unofficial action, if the property is not demanded or received for the benefit of the
 28 group in whose interest the person making the threat or suggestion purports to act;

29 (6) testify or provide information or withhold testimony or information
 30 with respect to a person's legal claim or defense.

31 * **Sec. 7.** AS 11.61.118(a) is amended to read:

1 (a) A person commits the crime of harassment in the first degree if, under
 2 circumstances not proscribed under AS 11.41.410 - 11.41.427 or 11.41.434 -
 3 11.41.440 [AS 11.41.434 - 11.41.440], the person violates AS 11.61.120(a)(5) and the
 4 offensive physical contact is contact

5 (1) with human or animal blood, mucus, saliva, semen, urine, vomitus,
 6 or feces; or

7 (2) by the person touching through clothing another person's genitals,
 8 buttocks, or female breast.

9 * **Sec. 8.** AS 12.55.035(b) is amended to read:

10 (b) Upon conviction of an offense, a defendant who is not an organization may
 11 be sentenced to pay, unless otherwise specified in the provision of law defining the
 12 offense, a fine of not more than

13 (1) \$500,000 for murder in the first or second degree, attempted
 14 murder in the first degree, murder of an unborn child, sexual assault in the first degree
 15 under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first
 16 degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or
 17 misconduct involving a controlled substance in the first degree;

18 (2) \$250,000 for a class A felony;

19 (3) \$100,000 for a class B felony;

20 (4) \$50,000 for a class C felony;

21 (5) \$25,000 for a class A misdemeanor;

22 (6) \$2,000 for a class B misdemeanor;

23 (7) \$500 for a violation.

24 * **Sec. 9.** AS 12.55.125(i) is amended to read:

25 (i) A defendant convicted of

26 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
 27 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
 28 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
 29 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
 30 than 99 years and shall be sentenced to a definite term within the following
 31 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

1 (A) if the offense is a first felony conviction, the offense does
 2 not involve circumstances described in (B) of this paragraph, and the victim
 3 was

4 (i) less than 13 years of age, 25 to 35 years;

5 (ii) 13 years of age or older, 20 to 30 years;

6 (B) if the offense is a first felony conviction and the defendant
 7 possessed a firearm, used a dangerous instrument, or caused serious physical
 8 injury during the commission of the offense, 25 to 35 years;

9 (C) if the offense is a second felony conviction and does not
 10 involve circumstances described in (D) of this paragraph, 30 to 40 years;

11 (D) if the offense is a second felony conviction and the
 12 defendant has a prior conviction for a sexual felony, 35 to 45 years;

13 (E) if the offense is a third felony conviction and the defendant
 14 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
 15 to 60 years;

16 (F) if the offense is a third felony conviction, the defendant is
 17 not subject to sentencing under (I) of this section, and the defendant has two
 18 prior convictions for sexual felonies, 99 years;

19 (2) **sexual assault in the first degree under AS 11.41.410(a)(1)(B),**
 20 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
 21 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
 22 in the first degree **under AS 11.41.410(a)(1)(A), (2), (3), or (4),** sexual abuse of a
 23 minor in the first degree, or sex trafficking in the first degree under
 24 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
 25 than 99 years and shall be sentenced to a definite term within the following
 26 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction, the offense does
 28 not involve circumstances described in (B) of this paragraph, and the victim
 29 was

30 (i) under 13 years of age, 20 to 30 years;

31 (ii) 13 years of age or older, 15 to 30 years;

1 (B) if the offense is a first felony conviction and the defendant
2 possessed a firearm, used a dangerous instrument, or caused serious physical
3 injury during the commission of the offense, 25 to 35 years;

4 (C) if the offense is a second felony conviction and does not
5 involve circumstances described in (D) of this paragraph, 25 to 35 years;

6 (D) if the offense is a second felony conviction and the
7 defendant has a prior conviction for a sexual felony, 30 to 40 years;

8 (E) if the offense is a third felony conviction, the offense does
9 not involve circumstances described in (F) of this paragraph, and the defendant
10 is not subject to sentencing under (I) of this section, 35 to 50 years;

11 (F) if the offense is a third felony conviction, the defendant is
12 not subject to sentencing under (I) of this section, and the defendant has two
13 prior convictions for sexual felonies, 99 years;

14 (3) sexual assault in the second degree, sexual abuse of a minor in the
15 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
16 first degree under AS 11.41.458(b)(2), [OR] distribution of child pornography under
17 AS 11.61.125(e)(2), **or attempt, conspiracy, or solicitation to commit sexual**
18 **assault in the first degree under AS 11.41.410(a)(1)(B)** may be sentenced to a
19 definite term of imprisonment of not more than 99 years and shall be sentenced to a
20 definite term within the following presumptive ranges, subject to adjustment as
21 provided in AS 12.55.155 - 12.55.175:

22 (A) if the offense is a first felony conviction, five to 15 years;

23 (B) if the offense is a second felony conviction and does not
24 involve circumstances described in (C) of this paragraph, 10 to 25 years;

25 (C) if the offense is a second felony conviction and the
26 defendant has a prior conviction for a sexual felony, 15 to 30 years;

27 (D) if the offense is a third felony conviction and does not
28 involve circumstances described in (E) of this paragraph, 20 to 35 years;

29 (E) if the offense is a third felony conviction and the defendant
30 has two prior convictions for sexual felonies, 99 years;

31 (4) sexual assault in the third degree, sexual abuse of a minor in the

1 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
 2 AS 11.41.458(b)(1), indecent viewing or production of a picture under
 3 AS 11.61.123(f)(1) or (2), possession of child pornography, distribution of child
 4 pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to
 5 commit sexual assault in the second degree, sexual abuse of a minor in the second
 6 degree, unlawful exploitation of a minor, or distribution of child pornography, may be
 7 sentenced to a definite term of imprisonment of not more than 99 years and shall be
 8 sentenced to a definite term within the following presumptive ranges, subject to
 9 adjustment as provided in AS 12.55.155 - 12.55.175:

10 (A) if the offense is a first felony conviction and does not
 11 involve the circumstances described in (B) or (C) of this paragraph, two to 12
 12 years;

13 (B) if the offense is a first felony conviction under
 14 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
 15 paragraph, four to 12 years;

16 (C) if the offense is a first felony conviction under
 17 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
 18 a mechanism for multi-party sharing or distribution of child pornography, or
 19 received a financial benefit or had a financial interest in a child pornography
 20 sharing or distribution mechanism, six to 14 years;

21 (D) if the offense is a second felony conviction and does not
 22 involve circumstances described in (E) of this paragraph, eight to 15 years;

23 (E) if the offense is a second felony conviction and the
 24 defendant has a prior conviction for a sexual felony, 12 to 20 years;

25 (F) if the offense is a third felony conviction and does not
 26 involve circumstances described in (G) of this paragraph, 15 to 25 years;

27 (G) if the offense is a third felony conviction and the defendant
 28 has two prior convictions for sexual felonies, 99 years.

29 * **Sec. 10.** AS 14.20.030(b) is amended to read:

30 (b) The commissioner or the Professional Teaching Practices Commission
 31 shall revoke for life the certificate of a person who has been convicted of a crime, or

1 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under
 2 AS 11.41.410 - 11.41.460, AS 11.61.125 or 11.61.127, or a law or ordinance in
 3 another jurisdiction with elements similar to an offense described in this subsection.

4 * **Sec. 11.** AS 09.55.010 is amended by adding new subsections to read:

5 (b) A person seeking a change of name under this section shall notify the court
 6 if the person is

7 (1) committed to the custody of the Department of Corrections, on
 8 probation under AS 33.05, or on parole under AS 33.16; a person subject to this
 9 paragraph shall provide proof satisfactory to the court that notice of the petition has
 10 been provided to the person's assigned probation or parole officer;

11 (2) required to register as a sex offender under AS 12.63; a person
 12 subject to this paragraph shall provide proof satisfactory to the court that notice of the
 13 petition has been provided to the Department of Public Safety; or

14 (3) charged with an offense; a person subject to this paragraph shall
 15 provide the court with the case number associated with the offense.

16 (c) In addition to the requirements provided under (a) of this section, a court
 17 may not grant a change of name of a person subject to (b) of this section unless the
 18 court finds that the change

19 (1) does not have a fraudulent purpose;

20 (2) is not intended to hinder or obstruct law enforcement purposes; and

21 (3) would not interfere with the rights of others.

22 * **Sec. 12.** AS 11.56.840(a) is amended to read:

23 (a) A person commits the crime of failure to register as a sex offender or child
 24 kidnapper in the second degree if the person

25 (1) is required to register under AS 12.63.010;

26 (2) knows that the person is required to register under AS 12.63.010;

27 and

28 (3) fails to

29 (A) register;

30 (B) file written notice of

31 (i) change of residence;

1 (ii) change of mailing address;

2 (iii) establishment of an electronic or messaging address
3 or any change to an electronic or messaging address; [OR]

4 (iv) establishment of an Internet communication
5 identifier or any change to an Internet communication identifier; **or**

6 **(v) change of name;**

7 (C) file the annual or quarterly written verification; or

8 (D) supply accurate and complete information required to be
9 submitted under this paragraph.

10 * **Sec. 13.** AS 12.63.010(c) is amended to read:

11 (c) If a sex offender or child kidnapper changes residence **or obtains a**
12 **change of name under AS 09.55.010 or AS 25.24.165** after having registered under
13 (a) of this section, the sex offender or child kidnapper shall provide written notice of
14 the change by the next working day following the change to the Alaska state trooper
15 post or municipal police department located nearest to the new residence or, if the
16 residence change is out of state, to the central registry. If a sex offender or child
17 kidnapper establishes or changes an electronic mail address, instant messaging
18 address, or other Internet communication identifier, the sex offender or child
19 kidnapper shall, by the next working day, notify the department in writing of the
20 changed or new address or identifier.

21 * **Sec. 14.** AS 18.66.990(3) is amended to read:

22 (3) "domestic violence" and "crime involving domestic violence" mean
23 one or more of the following offenses or an offense under a law or ordinance of
24 another jurisdiction having elements similar to these offenses, or an attempt to commit
25 the offense, by a household member against another household member:

26 (A) a crime against the person under AS 11.41;

27 (B) burglary under AS 11.46.300 - 11.46.310;

28 (C) criminal trespass under AS 11.46.320 - 11.46.330;

29 (D) arson or criminally negligent burning under AS 11.46.400 -
30 11.46.430;

31 (E) criminal mischief under AS 11.46.475 - 11.46.486;

- 1 (F) terrorist threatening under AS 11.56.807 or 11.56.810;
 2 (G) violating a protective order under AS 11.56.740(a)(1);
 3 (H) harassment under AS 11.61.120(a)(2) - (4) **or (6)**; or
 4 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is
 5 a pet;

6 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
 7 read:

8 APPLICABILITY. AS 14.20.030(b), as amended by sec. 10 of this Act, applies to
 9 offenses committed on or after the effective date of this Act.

10 * **Sec. 16.** AS 25.24.165 is amended by adding a new subsection to read:

11 (c) This section does not apply to a person who seeks a change of name other
 12 than a prior name and who is committed to the custody of the Department of
 13 Corrections, on probation under AS 33.05, on parole under AS 33.16, or required to
 14 register as a sex offender under AS 12.63.

15 (d) A person seeking a change of name to a prior name under this section shall
 16 notify the court if the person is

17 (1) Committed to the custody of the Department of Corrections, on
 18 probation under AS 33.05, or on parole under AS 33.16; a person subject to this
 19 paragraph shall provide proof satisfactory to the court that notice of the petition has
 20 been provided to the person's assigned probation or parole officer;

21 (2) Required to register as a sex offender under AS 12.63; a person
 22 subject to this paragraph shall provide proof satisfactory to the court that notice of the
 23 petition has been provided to the Department of Public Safety; or

24 (3) Charged with an offense; a person subject to this paragraph shall
 25 provide the court with the case number associated with the offense.

26 * **Sec. 17.** AS 33.05.020 is amended by adding a new subsection to read:

27 (j) The commissioner shall notify the victim of a crime upon receiving notice
 28 that a probationer has filed a petition for a change of name under AS 09.55.010.

29 * **Sec. 18.** AS 33.16.180 is amended to read:

30 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

31 (1) conduct investigations of prisoners eligible for discretionary parole,

1 as requested by the board and as provided in this section;

2 (2) supervise the conduct of parolees;

3 (3) appoint and assign parole officers and personnel;

4 (4) notify the board and provide information on a prisoner 120 days
5 before the prisoner's mandatory release date, if the prisoner is to be released on
6 mandatory parole;

7 (5) maintain records, files, and accounts as requested by the board;

8 (6) prepare parole reports under AS 33.16.110(a);

9 (7) notify the board in writing of a prisoner's compliance or
10 noncompliance with the prisoner's case plan created under AS 33.30.011(a)(8) not less
11 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
12 hearing date, whichever is earlier;

13 (8) establish an administrative sanction and incentive program to
14 facilitate a swift and certain response to a parolee's compliance with or violation of the
15 conditions of parole and shall adopt regulations to implement the program; at a
16 minimum, the regulations must include

17 (A) a decision-making process to guide parole officers in
18 determining the suitable response to positive and negative offender behavior
19 that includes a list of sanctions for the most common types of negative
20 behavior, including technical violations of conditions of parole, and a list of
21 incentives for compliance with conditions and positive behavior that exceeds
22 those conditions;

23 (B) policies and procedures that ensure

24 (i) a process for responding to negative behavior that
25 includes a review of previous violations and sanctions;

26 (ii) that enhanced sanctions for certain negative conduct
27 are approved by the commissioner or the commissioner's designee; and

28 (iii) that appropriate due process protections are
29 included in the process, including notice of negative behavior, an
30 opportunity to dispute the accusation and the sanction, and an
31 opportunity to request a review of the accusation and the sanction;

1 [AND]

2 (9) within 30 days after sentencing of an offender, provide the victim
3 of a crime information on the earliest dates the offender could be released on furlough,
4 probation, or parole, including deductions or reductions for good time or other good
5 conduct incentives, and the process for release, including contact information for the
6 decision-making bodies; **and**

7 **(10) notify the board and the victim of a crime upon receiving**
8 **notice that a parolee has filed a petition for a change of name under AS 09.55.010**
9 **or AS 25.24.165.**

10 * **Sec. 19.** AS 33.30.013(a) is amended to read:

11 (a) The commissioner shall notify the victim if [THE OFFENDER]

12 (1) **the offender** escapes from custody;

13 (2) **the offender** is discharged from parole under AS 33.16; or

14 (3) **the offender** is released to the community on a furlough, on an
15 early release program, or for any other reason; **or**

16 **(4) the commissioner receives notice that the offender has filed a**
17 **petition for a change of name under AS 09.55.010 or AS 25.24.165.**

18 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 INDIRECT COURT RULE AMENDMENT. AS 09.55.010, as amended by sec. 11 of
21 this Act and AS 25.24.165, as amended by sec. 16 of this Act has the effect of changing Rule
22 84, Alaska Rules of Civil Procedure, by establishing specific parties that must be notified and
23 findings that must be made by the court when certain persons petition for a change of name.

24 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 APPLICABILITY. (a) AS 11.56.840(a), as amended by sec. 12 of this Act, applies to
27 offenses committed on or after the effective date of this Act.

28 (b) AS 12.63.010(c), as amended by sec. 13 of this Act, applies to the duty to register
29 as a sex offender or child kidnapper for offenses committed before, on, or after the effective
30 date of this Act.

31 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 CONDITIONAL EFFECT. AS 09.55.010(b) and (c), enacted by sec. 11 of this Act
3 and AS 25.24.165 (c) and (d), enacted by sec. 16 of this Act take effect only if sec. 20 of this
4 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
5 Constitution of the State of Alaska.

6 * **Sec. 23.** AS 26.05.900(e) is amended by adding a new paragraph to read:

7 (9) "consent" has the meaning given in AS 26.05.890(h).

8 * **Sec. 24.** AS 44.41.065(a) is amended to read:

9 (a) When a law enforcement agency collects a sexual assault examination kit
10 under AS 18.68.010, the agency shall

11 (1) within 30 days after the agency collects the sexual assault
12 examination kit, send the sexual assault examination kit to an accredited laboratory in
13 coordination with the Department of Public Safety or a laboratory operated by the
14 Department of Public Safety;

15 (2) ensure that the laboratory to which the sexual assault examination
16 kit is sent under (1) of this subsection conducts a serological or DNA test on the
17 sexual assault examination kit within six months [ONE YEAR] after the laboratory
18 receives the sexual assault examination kit; and

19 (3) within two weeks after the laboratory that receives the sexual
20 assault examination kit under (1) of this subsection completes serological or DNA
21 testing, make a reasonable effort to notify the victim from whom the sexual assault
22 examination kit was collected that the sexual assault examination kit has been tested.

23 * **Sec. 25.** AS 26.05.900(e)(8) is repealed.

24 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 APPLICABILITY. AS 11.41.410, as amended by sec. 1 of this Act, AS 11.41.420(a),
27 as amended by sec. 2 of this Act, AS 11.41.425(a), as amended by sec. 3 of this Act,
28 AS 11.41.445(c), enacted by sec. 4 of this Act, AS 11.41.470(10), as repealed and reenacted
29 by sec. 5 of this Act, AS 11.41.530(a), as amended by sec. 6 of this Act, AS 11.61.118(a), as
30 amended by sec. 7 of this Act, AS 12.55.035(b), as amended by sec. 8 of this Act,
31 AS 12.55.125(i), as amended by sec. 9 of this Act, AS 26.05.900(e), as amended by sec. 23 of

1 this Act, and the repeal of AS 26.05.900(e)(8) by sec. 25 of this Act, apply to offenses
2 committed on or after the effective date of secs. 1 - 9, 23, and 25 of this Act.

3 * **Sec. 27.** Section 24 of this Act takes effect July 1, 2023.

4 * **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect January 1, 2023.